FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2322 OF 2004
IN
FIRST APPEAL (ST) NO. 801 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

CORAM: A.S. OKA, J.
DATE : 17th August, 2004.

P.C.:-

1. Heard Learned AGP for the Applicant. The challenge in the First Appeal is to the Judgment and Award passed under Section 18 of the Land Acquisition Act, 1984. As the said Award is in the nature of a money decree, the execution thereof cannot stayed unless the entire amount payable under the Award is deposited by the Applicant.

2. Hence, Civil Application is disposed of by passing following order :

(a) There will be interim relief in terms of prayer clause (b) subject to Applicant depositing in the Trial Court the entire amount due and payable as per the impugned Judgment and Award within a period of twelve weeks from today.

(b) If the entire amount is not deposited within the stipulated time, interim stay granted will stand vacated automatically without reference to the Court.

(c) In case the amount is deposited by the Applicant, the Respondent Claimant will be entitled to withdraw the amount on furnishing security to the satisfaction of the reference Court.

(d) If the amount deposited by the Applicant is not withdrawn by the Respondent

within a period of six months from the date of deposit, the reference court is directed to invest the said amount in fixed deposit in any nationalised bank. the fixed deposit shall be renewed from time to time till the disposal of the Appeal.

(e) As this order is passed without notice to the Respondent, liberty to the Respondent to apply for modification of this order.

(f) There will be no orders as to costs.

Sd/-

JUDGE